Memorandum Of Agreement

Between the
North Carolina Department of Environment and Natural Resources
and the
Virginia Department of Conservation and Recreation

Purpose

This Memorandum of Agreement (MOA) provides for enhanced coordination and cooperation between the North Carolina Department of Environment and Natural Resources (NCDENR) and the Virginia Department of Conservation and Recreation (VADCR), as partners in the Albemarle-Pamlico National Estuary Program (APNEP). The APNEP, through its Coordinating Council, is a consortium of organizations, including federal, state, local governments, non-profit institutions, private industry, academia, and private citizens, dedicated to the restoration and protection of the Albemarle-Pamlico estuarine ecosystem. This MOA is established to encourage coordination and cooperation between the NCDENR and VADCR and to heighten awareness of each agency's programs regarding the goals and objectives of the APNEP's Comprehensive Conservation and Management Plan (CCMP), with the objective of improving environmental and economic resources in the Albemarle-Pamlico Sounds watershed.

Background

The Albemarle-Pamlico Sounds are the nation's second largest estuarine system, second only to the Chesapeake Bay. The system supports an array of ecological, economic, recreational, and aesthetic functions which are of regional and national importance. The critical importance of sustaining the system, to fulfill these functions, is reflected through its nomination to the National Estuary Program by the Governor of North Carolina and the Administrator of the U.S. Environmental Protection Agency (USEPA).

In 1987, through a cooperative agreement between the NCDENR and the USEPA, the Albemarle-Pamlico Estuarine Study (APES) was created to study the environmental conditions in over 30,000 square miles of watershed in North Carolina and Virginia. Through APES, scientific information was combined with extraordinary involvement by government agencies, stakeholder groups and citizens to develop a CCMP. This document, which proposes management strategies designed to protect the region's natural resources and allow for responsible economic growth, was officially endorsed by the Governor of North Carolina and the USEPA in November 1994.

APES has been renamed and is now referred to as the Albemarle-Pamlico National Estuary Program (APNEP). The APNEP is located within the NCDENR and many of the CCMP's management strategies are being implemented in the Albemarle-Pamlico

Sounds region of North Carolina. Implementation of the CCMP is guided by the Coordinating Council — a 29-member council consisting of representatives from state and federal government, citizen commissions, and stakeholder groups represented through five river basin Regional Councils.

*A*uthority

This MOA is entered into pursuant to North Carolina Executive Order No. 75 (amended as No. 118) and the CCMP of the Albemarle-Pamlico National Estuary Program. Authority is further pursuant to §10.1-104.1 of the Code of Virginia and the Virginia Water Quality Improvement Act, Article 3, §10.1-2123 *et seq.*

*A*greement

The NCDENR and the VADCR, in coordination with other Virginia natural resource agencies, will work together to implement the management actions recommended by the CCMP of the APNEP in order to restore and maintain the chemical, physical and biological integrity of the Albemarle-Pamlico Sounds estuarine system and to achieve the specific goals and objectives as described in the CCMP.

Specifically, the NCDENR and the VADCR agree to the following:

Share current data and technology on programs, strategies and research to monitor and restore water quality, vital habitats, fisheries, wetlands and stewardship in the Pasquotank, Chowan and Roanoke river basins of North Carolina and Virginia.

Coordinate the establishment of cooperative programs to reduce and control primarily nonpoint sources of pollution to alleviate the stress on water quality, habitats and other natural resources.

Sponsor joint scientific and programmatic stakeholder workshops.

Coordinate plans to foster and manage sustainable environmental and economic growth in the Pasquotank, Chowan and Roanoke river basins.

Promote a greater understanding among citizens regarding the Pasquotank, Chowan and Roanoke river basins, the sustainability of their resources, the policies and programs designed to help them; and to foster individual responsibility and stewardship of the shared resources.

Track and evaluate activities that influence water quality and natural resources and report at least annually.

Develop specific objectives related to this Agreement and report the progress and status at least annually.

Statutory Authorities

This MOA does nothing to diminish the independent authority of each agency in the administration of its statutory authority. This MOA is intended to facilitate the mission of each agency through the cooperative mechanisms of the APNEP. All activities conducted under or pursuant to this MOA are subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation of payment of funds in violation of the Anti-Deficiency Act, 31 U.S.C. 1341. This MOA is not a funding document and does not represent the obligation or transfer of funds.

Effective and Termination Dates

This MOA is effective upon signatures of authorized representatives of both agencies and shall remain in effect until terminated. This MOA may be modified in writing by the mutual consent of the agencies, and may be terminated at any time by either agency, at its discretion, subject to negotiation of the completion of ongoing projects.
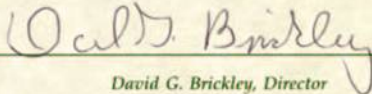
Signatories to the MOA

We the undersigned hereby approve this Memorandum Of Agreement
on this 26th day of October 2001.

As to the **North Carolina Department of Environment and Natural Resources:**
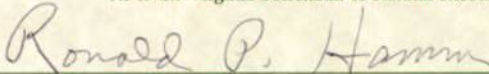
William G. Ross Jr., Secretary

As to the **Virginia Department of Conservation and Recreation:**

David G. Brickley, Director

As to the **Virginia Secretariat of Natural Resources:**

Ronald P. Hamm, Secretary